

**KIRKLAND & ELLIS LLP**  
AND AFFILIATED PARTNERSHIPS

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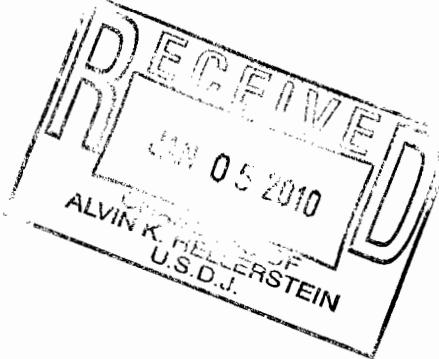
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January 4, 2010

### **By Hand Delivery**

Hon. Alvin K. Hellerstein  
U.S. District Judge  
U.S. District Court, S.D.N.Y.  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007-1312



Re: *Shepard Fairey et al. v. The Associated Press and Mannie Garcia*,  
Case No. 09-cv-1123 (AKH)

Dear Judge Hellerstein:

We are counsel for Defendant and Counterclaim Plaintiff The Associated Press ("The AP") in the above-referenced matter. Enclosed are two courtesy copies of The AP's papers in opposition to the motion for a protective order submitted by Plaintiffs and Counterclaim Defendants Shepard Fairey, Obey Giant Art, Inc., Obey Giant LLC, and Studio Number One, Inc. (collectively, "Fairey"), including (i) The AP's Memorandum of Law In Support of Its Opposition to Fairey's Motion for a Protective Order and (ii) the Declaration of Claudia Ray, dated January 4, 2010.

Because Fairey filed its initial motion papers under seal, The AP has filed its opposition papers under seal as well. Nevertheless, we do not believe that any of the material contained in either Fairey's opening papers or The AP's opposition papers (with the possible exception of the reference on page 18 of The AP's Memorandum of Law to the revenue generated by the sale of Fairey's Infringing Works, which could easily be redacted), is confidential under the Protective Order in this case. We therefore respectfully request that the Court consider whether sealing the filings regarding Fairey's pending motion is appropriate.

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*Plaintiff shall file my Writ by  
Jan. 18, 2010. I will hear argument  
Jan. 26, 2010, 4<sup>th</sup> pm -  
- 5-2010*

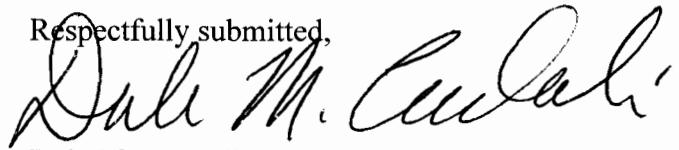
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January 4, 2010

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Respectfully submitted,



Dale M. Cendali

Encl.

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